

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BANKRUPTCY DIVISION

In Re:) Chapter 11
KEITH P. MARTIN) Case No. 16-14269-MSH
DEANA M. MARTIN)
Debtors)

MOTION OF DEBTORS FOR AUTHORITY TO EMPLOY
NUNC PRO TUNC SPECIAL CO-COUNSEL
RELATIVE TO MASS COMMISSION AGAINST DISCRIMINATION CLAIM

To the Honorable Melvin S. Hoffman, Bankruptcy Judge:

Now come the above captioned Debtors and move this Court for authority, pursuant to 11 USC 327(e), to employ Special Co-Counsel relative to a pending complaint against various parties, including the Debtors, at the Massachusetts Commission Against Discrimination (the “MCAD”) and the Debtors submit the following in support thereof:

1. This case was filed on November 7, 2016 (the “Filing Date”).
2. Prior to the Filing Date, the Debtors and other businesses owned by the Debtors¹ were respondents in a complaint filed in November 2010 with the MCAD (the “Complaint”).
3. The Debtors require the assistance of special Co-Counsel in order to continue defense of the Complaint.

¹ Which are no longer operating.

4. A suggestion of reorganization was filed with the MCAD but the hearing officer at the MCAD refused to continue the hearing on the complaint which is scheduled to begin on November 17, 2016².

5. The Debtors are represented by Gary W. Cruickshank as their bankruptcy counsel in this case.

6. Gary W. Cruickshank does not have experience in the issues raised in the Complaint.

7. The Debtors seek to employ Attorneys Peter Morin and Michael Ford as Special co-counsel to the Debtors to represent them in the Complaint.

8. Special Co-Counsel are attorneys duly admitted to practice in the Commonwealth of Massachusetts and are qualified to represent the Debtors in the Complaint.

9. Special Co-Counsel seek to be compensated at an hourly rate of \$275.00 for Attorney Ford and \$275.00 for Attorney Morin.

10. Special Co-Counsel have no connection with the creditors, any party in interest or their respective attorneys except that Special Co-Counsel represented the Debtor's and others in the Complaint and they are a creditor in the amount of \$1,386.97. Special Co-Counsel has agreed to waive this claim.

11. Special Co-Counsel represent no interest adverse to the estate in the matters upon which they are to be engaged and their employment would be in the best interest of the estate. There is no requirement of disinterestedness in 11 USC 327(e).

12. Nunc pro tunc consideration of this motion is requested since the MCAD hearing began on November 17, 2016.

² At a hearing on November 16, 2016, this Court granted relief from stay so the hearings on the Complaint began November 17, 2016.

WHEREFORE, after expedited consideration, the Debtors respectfully pray that they be authorized, nunc pro tunc, to employ Peter B Morin and Michael W Ford as Special Co-Counsel to represent the Debtors in the Complaint, and that the Debtors have such other and further relief as is just.

Keith D. Martin
Deana M. Martin
By their Counsel,

Dated: December 21, 2016

/s/Gary W. Cruickshank, Esq.
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CERTIFICATE OF SERVICE

I, Gary W. Cruickshank, hereby certify that on December 21, 2016, I electronically filed with the Clerk of the Bankruptcy Court, the foregoing Motion and served same in the following manner upon the interested parties:

E-mail service: via the Court's CM/ECF system which sent notification of such filing to the following:

- **John Fitzgerald** USTPRegion01.BO.ECF@USDOJ.GOV
- **Constance A. Browne** cbrowne@gbls.org
- **Robert Sable** rsable@gbls.org

/s/Gary W. Cruickshank, Esq.